

Case Summary

Crystal Lewis-Wilson appeals her conviction of Welfare Fraud, as a Class C felony. We affirm.

Issue

Lewis-Wilson raises one issue on appeal: whether the evidence was sufficient for the trial court to find beyond a reasonable doubt that she was guilty of Welfare Fraud.

Facts and Procedural History

Lewis-Wilson and Gregory Wilson were married at all relevant times. Between them, they had three children. Lewis-Wilson received public assistance from 1999 to 2003. None of the applications for benefits indicated that she lived with Wilson. The State charged her with Welfare Fraud. The trial court found her guilty. She now appeals.

Discussion and Decision

Our standard of review is well-established.

In reviewing a claim of insufficient evidence, we will affirm the conviction unless, considering only the evidence and all reasonable inferences favorable to the judgment, and neither reweighing the evidence nor judging the credibility of the witnesses, we conclude that no reasonable fact-finder could find the elements of the crime proven beyond a reasonable doubt.

Bethel v. State, 730 N.E.2d 1242, 1243 (Ind. 2000) (citations omitted).

To obtain a conviction of Welfare Fraud, the State must prove beyond a reasonable doubt that a person “conceals information for the purpose of receiving public relief or assistance to which he is not entitled.” Ind. Code § 35-43-5-7(a)(5). The offense is a Class C felony if the amount of public assistance involved is greater than \$2,500. I.C. § 35-43-5-

7(b)(2).

Here, the State alleged that Lewis-Wilson concealed that her husband was living with her from June 1999 through March 2003 and that she did so for the purpose of receiving at least \$2,500 in public assistance to which she was not entitled. Specifically, the State charged that she received food stamps, Temporary Assistance for Needy Families (“TANF”), and Medicaid benefits.

The Indiana Family and Social Services Administration (“FSSA”) had a three-part application process for receiving TANF, food stamps, and Medicaid benefits. At least seven times, Lewis-Wilson applied for herself and the three children to receive all three benefits. On all seven applications, she listed her address as 2506 West Monroe Street, but never indicated that Wilson lived there. Lewis-Wilson signed five copies of a form entitled “Application for Assistance – Part I Food Stamps, Cash Assistance, Medicaid.” Exhibits 1a and 3a-6a. The form contained the following instructions:

COMPLETE THIS SECTION FOR ALL PERSONS WHO LIVE AT THIS ADDRESS

List the legal name . . . of all persons who live at the above address. If you want [TANF] for any child, you have to apply for all of the child’s sisters, brothers and parents who live with the child.

Id. (emphasis added). On all five forms, Lewis-Wilson failed to list Wilson and responded “yes” to the following question: “Is your gross monthly income less than \$150 and your liquid resources, such cash [sic], checking / savings accounts, \$100 or less?” Id. Two FSSA computer-generated records indicated that Lewis-Wilson applied twice more for the same

benefits for herself and the three children, but did not list Wilson. Ex. 7a, 8a.¹

An employee in FSSA's Claims Recovery Unit, Linda Singleton, sent a letter to Lewis-Wilson, stating that FSSA determined that Wilson had lived with her from June 1999 to April 2003. Singleton indicated that FSSA would consider Lewis-Wilson ineligible for food stamps unless she provided documentation of Wilson's resources within thirteen days. According to Singleton, Lewis-Wilson responded "partially but never provided the actual information that I needed to determine eligibility." Transcript at 70. Singleton described FSSA's process as follows:

- A: Normally if we could obtain the missing information that we needed, then if it was income, then we would recalculate each and every month that the client received benefits . . . using the actual income for each and every month and determine what they should have received as opposed to what they did receive. If it was a resource that would have made them ineligible for the program at all, then the overpayment would have been all of the benefits that the client received. And if we were not able to obtain the information because of the client not cooperating and providing the information, then policy stated that we made them totally ineligible for the entire time frame because we were not able to determine any partial eligibility.
- Q: [I]f there's total ineligibility, then what is the formula for determining the amount of overpayment?
- A: For the time frame that's involved it's all of the benefits that they receive have to be repaid.

Id. at 70-71.

Accordingly, when Singleton did not receive the requested information, she determined Lewis-Wilson to have been ineligible for all benefits at all relevant times. Based upon FSSA's records, Singleton determined that Lewis-Wilson had received \$10,789 in

¹ These forms were dated or signed on June 29, 1999; April 28, 2000; June 13, 2001; October 26, 2001; and

TANF and \$18,724 in food stamps, totaling \$29,513 to which she was not entitled.

The evidence included records of the following entities showing Wilson's address to be 2506 West Monroe Street: Bureau of Motor Vehicles, Department of Revenue records for 1999 and 2000, applications for employment in January 1999 and November 2000, probation department forms in July and October 2001, an employer's Designation of Beneficiary form in January 2002, and an insurance enrollment form in May 2002. In February and October 2002, Lewis-Wilson signed for Wilson in filling out forms for Wilson's treatment at Saint Joseph Regional Medical Center. For each admission date, the hospital's Medical Records form showed 2506 West Monroe as Wilson's address. Furthermore, records of the county assessor's office for 2002 showed Wilson as owning and residing at 2506 West Monroe Street. The parties stipulated that he owned 2506 West Monroe Street during the entire charging period.

The assessment records also indicated that he owned three other residential properties, assessed collectively at \$56,900. Wilson testified that he did not have a mortgage on any of his properties. Again, the parties stipulated that Wilson owned those properties during the duration of the charging period. They further stipulated that Wilson's tax records reflected the following:

1999 \$5391 in adjusted gross income

2000 \$7130 in adjusted gross income

2001 \$18,148 in income

2002 \$18,431 in income

Based upon the above evidence, the trial court could reasonably have found that: (1) Wilson lived with Lewis-Wilson; (2) Lewis-Wilson concealed this fact in her applications; and (3) she did so to receive more than \$2500 in public assistance to which she was not entitled. There was sufficient evidence to support Lewis-Wilson's conviction of Welfare Fraud.

Affirmed.

FRIEDLANDER, J., and KIRSCH, J., concur.